

ORDINANCE: 97-2

AN ORDINANCE, Requiring Introduction of manufactured Mobile Home constructed prior to June 15, 1976, and/or not certified as meeting construction and safety standards of HUD/FHA within the boundaries of the County of Elmore; and

BE IT ORDAINED BY THE BOARD OF THE COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO IN LAWFUL MEETING ASSEMBLED.

WHEREAS, there has been a large influx of manufactured mobile homes constructed prior to June 15, 1976 into Elmore County; and

WHEREAS, said manufactured mobile homes constitute a threat to the public health, safety and welfare of the citizens of Elmore County; and

WHEREAS, a Moratorium Ordinance dealing with this problem was passed by the Elmore County Commissioners; and

WHEREAS, the Elmore County Commissioners have completed with the applicable Statutory requirements of notice and hearing; and

NOW, THEREFORE, IT IS HEREBY ORDAINED AND DECREED AS FOLLOWS:

GENERAL PROVISIONS:

- A. Location requirements for Manufactured/Mobile Homes. Unless excepted below, it is unlawful for any person to move into Elmore County a manufactured/mobile home which was constructed prior to June 15, 1976, and not certified as meeting construction and safety standards of HUD/FHA, whether on private or public premises or streets.

It shall not be unlawful for those manufactured/mobile homes constructed prior to June 15, 1976 and not certified as meeting construction and safety standards

of HUD/FHA that are already in the County of Elmore at the time of the passage of the Moratorium Ordinance to remain in the county.

- B. NOTICES OF VIOLATION: The Board of County Commissioners, the Elmore County Planning and Zoning Commission, or their designee, shall provide a Notice of Violation to party who violates this Ordinance. Such Notice shall include (1) a description of the property where the violation exists, and (2) shall provide for a twenty-one (21) day opportunity to cure the violation. This Notice may be made by personal service or certified mail, return receipt requested. If a party who violates the ordinance fails or refuses to respond to said Notice Of Violation within the prescribed time period, a criminal complaint may be instigated by the County of Elmore.
- C. A violation of this Ordinance is hereby defined as a general misdemeanor and punishable as such pursuant to the Statutes of the State of Idaho. Each day of violation shall constitute a separate offense punishable by a fine of up to \$300.00 and/or a jail sentence of up to six (6) months. The County of Elmore retains the right to pursue such violations civilly as well as criminally.

This Ordinance shall be in full force and effect after its passage, approval and publication.

DATED This 10th day of November 1997.

ELMORE COUNTY BOARD OF COMMISSIONERS

BY: Barry Peterson
BARRY PETERSON, Chairman

BY: Larry E. Rose
LARRY ROSE, Commissioner

BY: Don Reynolds
DON REYNOLDS, Commissioner

A T T E S T :

Dolores Robison
DOLORES ROBISON, Clerk
ELMORE COUNTY BOARD OF COMMISSIONERS

MORATORIUM ORDINANCE: 97-1

WHEREAS, The County of Elmore, acting through its Board of County Commissioners, in compliance with Idaho Code Sections 67-6523, and 67-6524; and

WHEREAS, The Fire Chief for the Mountain Home Rural Fire District and The Elmore County Planning and Zoning Board has presented a Petition to the Board, advising of an eminent threat to the public health, safety and welfare of the citizens of Elmore County, and requests relief from that threat; and

WHEREAS, The Board of Commissioners, after due consideration and upon advise of counsel, finds there is an eminent threat to the public health, safety and welfare of the Citizens of Mountain Home and the citizens of Elmore County; and

WHEREAS, Section 67-6523, I.C. empowers the Board to provide the requested relief for a maximum period of one hundred twenty (120) days, and

WHEREAS, The Board further finds that as provided in Section 67-6524 a permanent ordinance is being prepared for its jurisdiction by the Elmore County Prosecuting Attorney's Office for public hearing as provided in I.C. Section 67-6509, the Board further find, that the period of the moratorium may extend for a period not to exceed three hundred and sixty five (365) days from the date of the ordinance; and

WHEREAS, The Board finds an emergency exists for the passage of this ordinance; and

NOW THEREFORE BE IT ORDAINED, The Board of the Elmore County

Commissioners, find there is an eminent threat to the public health, safety and welfare and grants the relief, requested by the Fire Chief, The Planning and Zoning Board and by the citizens of Elmore County. The Board orders a moratorium hereby imposed on the introduction of a manufactured Mobile homes constructed prior to June 15, 1976, and/or not certified as meeting construction and safety standards of HUD/FHA within the County of Elmore, the specifics of which are as follows:

GENERAL PROVISIONS:

- A. Location requirements for Manufactured/Mobile Homes. Unless excepted below, it is unlawful for any person to move into Elmore County a manufactured/mobile home which was constructed prior to June 15, 1976, and not certified as meeting construction and safety standards of HUD/FHA, whether on private or public premises or streets, for the purpose of human habitation.

It shall not be unlawful for those manufactured/mobile homes constructed prior to June 15, 1976 and not certified as meeting construction and safety standards of HUD/FHA that are already in the County of Elmore at the time of the passage of this resolution and/or ordinance to remain in the county during the duration of this said ordinance.

- B. NOTICES OF VIOLATION: The Board of County Commissioners, the Elmore County Planning and Zoning Commission, or their designee, shall provide a Notice of Violation to party who violates this Ordinance. Such Notice shall include (1) a description of the property where the violation exists, and (2) shall provide for a twenty-one (21) day opportunity to cure the violation. This Notice may be made by personal service or certified mail, return receipt requested. If a party who violates the ordinance fails or refuses to respond to said Notice Of Violation within the prescribed time period, a criminal complaint may be instigated by the County of Elmore.
- C. A violation of this Ordinance is hereby defined as a general misdemeanor and punishable as such pursuant to the Statutes of the State of Idaho. Each day of violation shall constitute a separate offense

punishable by a fine of up to \$300.00 and/or a jail sentence of up to six (6) months. The County of Elmore retains the right to pursue such violations civilly as well as criminally.

FURTHER ORDAINED: This ordinance shall be in full force and effect for a period of not less than one hundred twenty days (120) and not more than three hundred sixty five days (365) after its approval, unless sooner dissolved by the Board; and

FURTHER ORDAINED: The Board of Elmore County Commissioners may call for public hearing or a public referendum to provide for citizen participation; and

FURTHER ORDAINED: that an emergency exists for the passage, approval and publication of this ordinance.

DATED This 24th day of March 1997.

ELMORE COUNTY BOARD OF COMMISSIONERS

BY: Barry Peterson
BARRY PETERSON, Chairman

BY: Larry E. Rose
LARRY ROSE, Commissioner

BY: Don Reynolds
DON REYNOLDS, Commissioner

A T T E S T :

Dolores Robison
DOLORES ROBISON, Clerk
ELMORE COUNTY BOARD OF COMMISSIONERS

WHEREAS, The County of Elmore, acting through its Board of County Commissioners, in compliance with Idaho Code Sections 67-6523, and 67-6524; and

WHEREAS, The Fire Chief for the Mountain Home Rural Fire District and The Elmore County Planning and Zoning Board has presented a Petition to the Board, advising of an eminent threat to the public health, safety and welfare of the citizens of Elmore County, and requests relief from that threat; and

WHEREAS, The Board of Commissioners, after due consideration and upon advice of counsel, finds there is an eminent threat to the public health, safety and welfare of the Citizens of Mountain Home and the citizens of Elmore County; and

WHEREAS, Section 67-6523, I.C. empowers the Board to provide the requested relief for a maximum period of one hundred twenty (120) days, and

WHEREAS, The Board further finds that as provided in Section 67-6524 a permanent ordinance is being prepared for its jurisdiction by the Elmore County Prosecuting Attorney's Office for public hearing as provided in I.C. Section 67-6509, the Board further finds, that the period of the moratorium may extend for a period not to exceed three hundred and sixty-five (365) days from the date of the ordinance; and

WHEREAS, The Board finds an emergency exists for the passage of this ordinance; and

NOW THEREFORE BE IT ORDAINED, The Board of the Elmore County Commissioners, find there is an eminent threat to the public health, safety and welfare and grants the relief, requested by the Fire Chief, The Planning and Zoning Board and by the citizens of Elmore County. The Board orders a moratorium hereby imposed on the introduction of a manufactured Mobile homes constructed prior to June 15, 1976, and/or not certified as meeting construction and safety standards of HUD/FHA within the County of Elmore, the specifics of which are as follows:

GENERAL PROVISIONS:

A. Location requirements for Manufactured/Mobile Homes.

Unless excepted below, it is unlawful for any person to move into Elmore County a manufactured/mobile home which was constructed prior to June 15, 1976, and not certified as meeting construction and safety standards of HUD/FHA, whether on private or public premises or streets, for the purpose of human habitation.

It shall not be unlawful for those manufactured/mobile homes constructed prior to June 15, 1976 and not certified as meeting construction and safety standards of HUD/FHA that are already in the County of Elmore at the time of the passage of this resolution.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

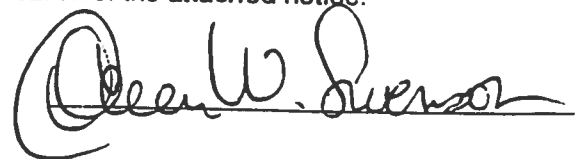
1 consecutive weeks, the first publication having been made on 30th day of

April, 1997, and the last publication having been made on the 30th day of

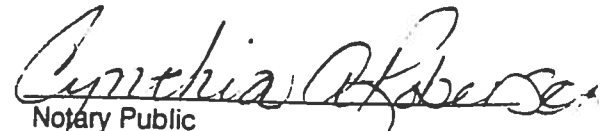
April, 1997; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.



Subscribed and sworn to me this 30th day of April, 1997


Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 11-16-98.

factured/Mobile Homes.
Unless excepted below, it is unlawful for any person to move into Elmore County a manufactured/mobile home which was constructed prior to June 15, 1976, and not certified as meeting construction and safety standards of HUD/FHA, whether on private or public premises or streets, for the purpose of human habitation.

It shall not be unlawful for those manufactured/mobile homes constructed prior to June 15, 1976 and not certified as meeting construction and safety standards of HUD/FHA that are already in the County of Elmore at the time of the passage of this resolution and/or ordinance to remain in the county during the duration of this said ordinance.

B. NOTICES OF VIOLATION: The Board of County Commissioners, the Elmore County Planning and Zoning Commission, or their designee, shall provide a Notice of Violation to party who violates this Ordinance. Such Notice shall include (1) a description of the property where the violation exists, and (2) shall provide for a twenty-one (21) day opportunity to cure the violation. This Notice may be made by personal service or certified mail, return receipt requested. If a party who violates the ordinance fails or refuses to respond to said Notice Of Violation within the prescribed time period, a criminal complaint may be instigated by the County of Elmore.

C. A violation of this Ordinance is hereby defined as a general misdemeanor and punishable as such pursuant to the Statutes of the State of Idaho. Each day of violation shall constitute a separate offense punishable by a fine of up to \$300.00 and/or a jail sentence of up to six (6) months. The County of Elmore retains the right to pursue such violations civilly as well as criminally.

FURTHER ORDAINED: This ordinance shall be in full force and effect for a period of not less than one hundred twenty days (120) and not more than three hundred sixty-five days (365) after its approval, unless sooner dissolved by the Board; and

FURTHER ORDAINED: The Board of Elmore County Commissioners may call for public hearing or a public referendum to provide for citizen participation; and

FURTHER ORDAINED: That an emergency exists for the passage, approval and publication of this ordinance.

DATED This 24th day of March, 1997.

ELMORE COUNTY BOARD OF COMMISSIONERS

BY: BARRY PETERSON, Chairman
BY: LARRY ROSE, Commissioner
BY: DON REYNOLDS, Commissioner

ATTEST:
DOLORES ROBISON, Clerk
ELMORE COUNTY BOARD OF COMMISSIONERS

Subscribed and sworn to me this 30th day of

April, 1997

Cynthia A. Berse
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 11-16-98.